

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Christopher Gene Brooks**

Docket No. **267603**

L. Ct. No. **96-027270-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction as the September 9, 2005 order denying appellant's motion for relief from judgment under MCR 6.500 *et seq.* stems from a successive motion requesting this type of relief since 1995 where no newly discovered evidence or retroactive change in the law can be found. MCR 6.502(G). Appellant's reliance upon *Halbert v Michigan*, 545 US \_\_\_\_; 125 S Ct 2514; 161 L Ed 2d 1109 (2005), is misplaced as the Monroe Circuit Court entered an order on November 6, 1996, that appointed appellate counsel to pursue an appeal on appellant's behalf.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 20 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk